

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**JOSHUA BANKS,**

Defendant.

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**No. 07-20074**

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

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Before the Court is Defendant's Motion for an Evidentiary Hearing to Determine Competency to Stand Trial pursuant to 18 U.S.C. §4241(b). The Court referred the matter to the U.S. Magistrate Judge to conduct an evidentiary hearing and for a Report and Recommendation.

The Magistrate Judge conducted an evidentiary hearing and issued his Report and Recommendation. (D.E. #67) Upon thorough review of the Report and Recommendation and the entire record, the Court finds that Defendant is able to understand the nature of the charges brought against him, the penalty consequences of conviction, and the adversarial process. Moreover, the Court finds that Defendant is able to assist counsel in his defense.

In reaching these conclusions, the Court fully adopts the Report and Recommendation as its findings and legal basis.

Based on the foregoing, the Court orders that this matter proceeds on the trial track.

**IT IS SO ORDERED** this 28th day of March, 2011.

s/Bernice Bouie Donald  
**BERNICE BOUIE DONALD**  
**UNITED STATES DISTRICT JUDGE**